Please amend the application as follows:

In the Claims

Please add Claim 39 as shown below:

39. (New) A monoclonal antibody produced by the method of Claim 8.

Traversal of the Restriction Requirement

Withdrawal of Requirement for Second Species Election

In the Office Action, the Examiner states that "Groups I, III-XII are further subject to an election of a single disclosed species. Claims 1, 8, 12, 15, 18, 21, 24, 27, 30, 33, 36 are generic to a plurality of patentably distinct species comprising samples with different structure and function wherein the samples are (a) plasma, (b) serum, (c) urine" (Office Action, page 5). In response to this requirement, Applicants point out that the claims in Group I, Group III, Group XI, and Group XII are not drawn to a sample type or a sampling method. Therefore, Applicants respectfully request withdrawal of this requirement for an election of species with respect to claims of Groups I, III, XI and XII.

Withdrawal of Restriction Requirement Among Groups VI - X

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (a) the inventions must be independent or distinct as claimed; and (b) there must be a serious burden on the examiner if restriction is required (MPEP, 7th edition, §803). Nevertheless,

> [i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions (MPEP, 7th edition, §803, emphasis added).

Applicants respectfully request withdrawal of the restriction requirement among Groups VI-X, directed to methods of diagnosing a particular condition. The inventions in these groups are patentably distinct; however, a search and examination of these inventions would have extensive overlap, and thus, can be made without excessive burden. Although the objective of each invention in these groups differs, the steps of each invention are similar. Thus, the searches for each method would have extensive overlap.

If the Examiner maintains the restriction, Applicants respectfully request withdrawal of the restriction requirement between Group VII, drawn to a method of diagnosing congestive heart failure, and Group VIII, drawn to a method of diagnosing the presence of ouabain or ouabain-like compound-associated cardiomyopathy. In cardiomyopathy, cardiac muscle cells become abnormal, and the condition can lead to congestive heart failure. Therefore, there would be considerable overlap in the search for methods of diagnosing cardiomyopathy and congestive heart failure. Thus, the search could be made without serious burden, even though the inventions claimed in these groups are patentably distinct.

Claim Amendment

New Claim 39, which is drawn to a monoclonal antibody produced by the method of Claim 8, has been added. Support for the new claim can be found in the specification, for example, on page 2, lines 18-23, and page 3, lines 12-19.

If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned or Anne J. Collins at (978) 341-0036.

Respectfully submitted,

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